

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FERMIN SOLIS ANIEL and ERLINDA
ABIBAS ANIEL,

Plaintiffs,

v.

AURORA LOAN SERVICES LLC, et al.,

Defendants.

No. C 10-01042 JSW

**ORDER CONTINUING HEARING
ON MOTIONS TO DISMISS**

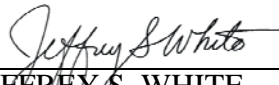
This matter is set for a hearing on October 15, 2010, on Motions to Dismiss filed by Aurora Loan Services LLC and McCarthy & Holthus, LLP. On October 9, 2010, Plaintiffs filed their supplemental briefing on the issue of whether they have standing to pursue these claims in light of the fact that their bankruptcy proceeding is proceeding under Chapter 7. Plaintiffs concede that these claims are property of the Bankruptcy Estate and that only the Trustee may prosecute this case, but they request a continuance of 45 days to determine whether the Trustee will or will not abandon the claim.

The Court finds good cause to grant Plaintiff's request for a continuance. Accordingly, the Court CONTINUES the hearing on these motions from October 15, 2010 to December 10, 2010 at 9:00 a.m. Plaintiffs shall file a notice with the Court by no later than December 3, 2010, as to whether the Trustee has determined whether it will abandon the property. The case management conference set for December 3, 2010 is VACATED and shall be reset, if necessary,

after the Court has ruled on the motions.

IT IS SO ORDERED.

Dated: October 12, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FERMIN SOLIS ANIEL et al,

Plaintiff,

v.

AURORA LOAN SERVICES LLC et al,

Defendant.

Case Number: CV10-01042 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 12, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Erlinda Abibas Aniel
75 Tobin Clark Drive
Hillsborough, CA 94010

Fermin Solis Aniel
75 Tobin Clark Drive
Hillsborough, CA 94010

Dated: October 12, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk